

REMARKS/ARGUMENTS

After entry of this paper, claims 1-4, 12, 13, 15, 28, 20, and 32-36 are pending. Claims 17, 18, 21-23, 25, and 27 are cancelled, without prejudice, as being drawn to non-elected subject matter. Claims 5-10, 14, 16, 19, 20, 24, and 26 were previously canceled. Applicant reserves the right to pursue the canceled subject matter in a continuation application and to pursue the non-elected subject matter in a divisional application.

Claims 1-4, 15, and 30 are amended in view of the election of the subject matter of Group I and for clarification. New claims 33-36 are added. New claims 33-34, which specify that the cancer is breast cancer, is supported at page 16, line 7 of the specification. New claims 35 and 36, which recite that the composition is formulated for administration to a cell concurrently with radiation, is supported at page 13, lines 7-8 of the specification. No new matter is added by these amendments and new claims.

Restriction Requirement

The Examiner restricted the claims into five (5) groups and required the election of the subject matter of one (1) group.

As noted above, Applicant elected the subject matter of Group I, i.e., subject matter drawn to compositions containing compounds of formula (a). Claims 1-4, 12, 13, 15, 28, 30, and 32-36 read on this election.

Election of Species

- (i) *The Examiner required that Applicant elect a single disclosed species of a compound of formula (a) and/or (b) with a structure wherein all the different variables in the structure are clearly defined to represent a single species.*

As noted above, Applicant elected cystine dimethyl ester (CDME), wherein m is 0 and R₁ is methyl in formula (a). Claims 1-4, 12, 13, 15, 28, 30, and 32-36 read on this election. Applicant requests that, subsequent to searching the elected CDME species and thereby finding the same allowable, the Examiner extend the search to include the remaining non-elected compounds and withdraw the outstanding species election requirement.

- (ii) *The Examiner required that Applicant elect a single disclosed species of a cancer.*

As noted above, Applicant elected breast cancer. Claims 1-4, 12, 13, 15, 28, 30, and 32-36 read on this election. Applicant requests that, subsequent to searching the elected cancer species and thereby finding the same allowable, the Examiner extend the search to include the remaining non-elected compounds and withdraw the outstanding species election requirement.

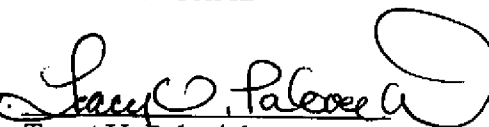
- (iii) *The Examiner required that Applicant elect a single disclosed species of a cytotoxic compound.*

As noted above, Applicant elected radiation. Claims 1-4, 12, 15, 28, 30, and 32-36 read on this election. Applicant requests that, subsequent to searching the elected radiation species and thereby finding the same allowable, the Examiner extend the search to include the remaining non-elected compounds and withdraw the outstanding species election requirement.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or during the pendency of this application, or credit any overpayment in any fees to our Deposit Account No. 08-3040.

Respectfully submitted,

Howson & Howson LLP

By: 

Tracy U. Palovich
Registration No. 47,840
Suite 210
501 Office Center Drive
Fort Washington, PA 19034
Telephone: 215-540-9200
Facsimile: 215-540-5818